



Express Mail Label No. EV 336 046 395 US

Attorney Docket No. SQ00151 US CON2

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF:

Martin, et al.

APPLICATION No.: 10/616,094

FILED: July 8, 2003

FOR: THERAPEUTIC LIPOSOME COMPOSITION
AND METHOD

EXAMINER: Katcheves, K.T.
ART UNIT: 1636
CONF. NO. 1352

Terminal Disclaimer

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Alza Corporation, Assignee of

- an undivided share of the entire right, title, and interest
- the entire right, title and interest

in the above-identified patent application by virtue of the Assignments recorded in the U.S. Patent and Trademark Office at Reel 009067, Frame 0681 on March 23, 1998, and at Reel 011848, Frame 0256 on May 29, 2001, hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term defined in 35 USC §154 to §156 and §173, as presently shortened by any terminal disclaimer, of

*U.S. Patent No. 6,043,094 issued on March 28, 2000.

*U.S. Patent No. 6,660,525 issued on December 9, 2003.

The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the above-listed patents and/or patent applications are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. § 154 to § 156 and § 173 of the above-listed patents and/or applications, as presently shortened by any terminal disclaimer, in the event that said patent(s)/application(s) later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

1. Authority of Undersigned

The undersigned is an attorney or agent of record.

2. Fee Payment

- A check covering the Terminal Disclaimer fee under 37 C.F.R. § 1.20 is enclosed.
 - Large entity (\$130.00)
 - Small entity (\$65.00)
 - Please charge any deficiency or credit to Deposit Account No. 10-0750.

Respectfully submitted,
ALZA Corporation

Date: 12/17/04

David Abraham
Registration No. 39,554

Correspondence Address:

Customer No. 27777